

REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Office Action mailed December 7, 2010. Claims 1-13 remain in this application. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Interview Summary

Applicants appreciate the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on Tuesday, February 2, 2010. The Applicants appreciate the Examiner's receptiveness to the interview process, especially on such short notice and moreover to the Examiner's encouragement to advance the matter towards allowance, as indicated at bullet point 14, page 11 of the Office Action. During the telephonic interview, Applicant's attorney inquired to discuss a previously submitted agenda including arguments as to why the Applicants believe that Claim 1 is not anticipated by the cited reference. The Examiner acknowledged that the arguments enclosed in view of the claim language and the cited reference, Radilescu, overcome the current ground of rejection. The Examiner further indicated that the independent claims required further search and that the dependent claims were still believed to be objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

Applicant wishes to thank the Examiner for indicating that Claims 3-10, 12 and 13 are objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Objections to the Abstract

In the Office Action, the abstract of the disclosure was objected to because it exceeds 150 words. By means of the present amendment, the current Abstract has been amended as shown in the enclosed Replacement Abstract in a manner which is believed to overcome the objection. Withdrawal of the objection is respectfully requested.

Objections to the Specification

In the Office Action, the Specification was objected to for failing to include section headings. Applicants respectfully understand that the recommended section headings can be added without undue burden to the applicant, however Applicants respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a) and requests withdrawal of the objection to the specification.

Claim Rejections under 35 USC 102

In the Office Action, Claims 1, 2 and 11 stand rejected under 35 U.S.C. §102 (c) as being anticipated by U.S. Patent Publication No. 2006/0041889 (“Radulescu”). Applicants respectfully traverse the rejections.

Claims 1, 2 and 11 are allowable

The cited portions of Radulescu do not anticipate claim 1, because the cited portions of Radulescu do not teach every element of claim 1. For example, the cited portions of Radulescu do not disclose or suggest, “*node circuits (22) in the network (12), the node circuits (22) being arranged to forward the messages along multi-node paths through the network (12), each particular stream being assigned a respective stream specific path along which the node circuits (22) forward all messages of the particular stream*”, as recited in claim 1 (Emphasis Added). In the Office Action, Radulescu is cited at par. 61 for allegedly teaching this claim element. Applicants respectfully disagree. It is respectfully submitted that disclosing a guaranteed-throughput read connection by reserving slots, as taught in Radulescu is different from assigning a respective stream path along which the node circuits forward all messages of the particular stream, as in Claim 1. Guaranteed throughput merely ensures that the average rate of successful message delivery will be above a threshold value. It does not address the assignment of specific stream paths. Wikipedia generally defines throughput or network throughput, such as Ethernet or packet radio, as the average rate of successful message delivery over a communication channel. This data may be delivered over a physical or logical link, or pass through a certain network node. The throughput is usually measured in bits per second (bit/s or bps), and sometimes in data packets per second or data packets per time slot. There is no teaching or suggestion of the assignment of specific stream

paths in the definition of throughput or network throughput. Accordingly, the cited portions of Radilescu do not disclose “*node circuits (22) in the network (12), the node circuits (22) being arranged to forward the messages along multi-node paths through the network (12), each particular stream being assigned a respective stream specific path along which the node circuits (22) forward all messages of the particular stream*”, as in claim 1. Therefore claim 1 is allowable.

Further, the cited portions of Radilescu do not disclose or suggest, “*node circuits (22) in the network (12), the node circuits (22) being arranged to forward the messages along multi-node paths through the network (12), , the node circuits (22) being arranged to decide whether to forward or discard each message dependent on a measure of seniority of the message in its particular stream*”, as recited in claim 1 (Emphasis Added). In the Office Action, Radilescu is cited at par. 62 for allegedly teaching this claim element. However, the above-cited portion of Radilescu merely discloses that - - connection properties of the request and response parts of a connection can be configured independently for all of throughput, latency and jitter. Consequently, the connection properties of request part of a connection can be best effort, while the connection properties of response can have guaranteed throughput (or vice versa). For the example mentioned above, we can use best effort read messages, and guaranteed-throughput read-data messages. No global connection guarantees can be offered in this case, but the overall throughput can be higher and more stable than in the case of using only best-effort traffic - - . It is respectfully submitted that the above-cited portion of Radilescu is silent with respect to deciding whether to forward or discard each message dependent on a measure of seniority of the message in its particular stream. Hence claim 1 is allowable. Accordingly, claim 2 is also allowable, at least by virtue of its dependency from claim 1.

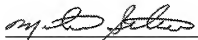
Independent Claim 11 recites similar subject matter as Independent Claim 1 and therefore contains the limitations of Claim 1. Hence, for at least the same reasons given for Claims 1, Claim 11 is believed to recite statutory subject matter under 35 USC 102(e).

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-13 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael A. Scaturro", is written over a horizontal line.

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